

TOWN OF TIVERTON
ZONING BOARD OF REVIEW MINUTES

March 5, 2014

The following petitions were received and were heard by the Tiverton Zoning Board of Review on Wednesday, March 5, 2014 at 7:00 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Ms. Susan Krumholz, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

Also present were: Mr. David Petrarca, Jr., Esq., Town Solicitor and Ms. Sally Ferreira, Court Reporter.

1. The Hearing on a petition filed by Mark Faris of 1084 Crandall Road, Tiverton, RI requesting a variance to Article XIV Section 7.b.(2) of the Tiverton Zoning Ordinance in order to change a prior non-conforming use of a Dance Studio to a non-conforming use selling antiques in a portion of the structure located at 1048 Crandall Road, Tiverton, RI being Plat 605 Lot 123 on Tiverton Tax Assessor's maps and located in a R80 zoning district.

DECISION:

After Mr. Faris was sworn in he stated he would like to reopen his antique shop that he had approximately seven years ago. Mr. Faris went on to say due to personal circumstances, he had to rent out the building, and now that the tenant moved out on July 1st of 2013, he would like to reopen his store. Mr. Faris informed the Board that he came down to the Town Hall to get his used furniture antique license reinstated and he was informed that the license was no longer valid because the license was considered abandoned. Mr. Faris further explained that the license was not abandoned because he couldn't hold the license if he didn't have a venue to sell his product out of.

William Smith, president of Civil Engineering Concepts, was sworn in. The Board accepted Mr. Smith as an expert witness who has appeared in front of this Board many times previously. Mr. Smith stated the property is located on the east side of Crandall Road across from the cranberry bogs. This is an existing commercial structure approximately 2,000 square feet. There is a residential property as well on that same 20 acre parcel. The 2,000 square foot property has been used as commercial enterprise or enterprises since 1961 when it was constructed and there is adequate parking.

Mr. Smith went on to say the site was formally a dance studio. What the applicant is proposing to do now is utilize it for an antique store and storage along with the real estate office that is there now.

Mr. Smith further explained the site is an R80 zoning district which allows only single family residences which makes it a nonconforming use with the commercial property.

There will be less parking, less demand on the water septic system and less traffic which in turn will generate less impact to the neighbors. Mr. Smith pointed out there is a letter in the file from a neighbor supporting the application and they don't have any objection. The letter was marked as an exhibit.

Mr. Collins asked what business is in the other portion of the structure and Mr. Faris answered that the 430 square foot space is currently being rented to a realtor. The realtor rents 430 square feet of the building. Mr. Collins asked how long that real estate business has been there and Mr. Faris responded the tenant has rented that space from him four years ago. The Chairperson asked if the dance studio and the real estate company were both in operation at the same time and Mr. Faris answered yes and he went on to further say there was always a business in that 430 square foot section. Mr. Faris listed the businesses and stated there was a pottery studio there, Absolute Bliss there when they first started out and there was a hair styling salon at one point.

Mr. Jackson asked if there will be any changes to the footprint of the building and Mr. Smith answered, no. Mr. Collins asked if Mr. Faris's previous antique business was in this location and Mr. Smith answered, yes. The Chairperson asked if this has always been used as dual purpose commercial use and Mr. Smith answered it has been a commercial property since the 1960s when it was constructed but he did not know if it had multiple commercial uses through its entire tenure. Mr. Faris stated there was a credit union there at one point and further stated this property has been in his family for four generations.

There were no further questions. The Board went into executive session. Ms. Krumholz made a motion to grant the petition due to the fact that the applicant demonstrated that the proposed use would have the same or lesser undesirable impact upon the surrounding area than the former nonconforming use. Mr. Jackson seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Ms. Susan Krumholz, Mr. Richard Taylor and Mr. Jay Jackson.

ADMINISTRATIVE ISSUES:

Mr. Taylor made a motion to accept the minutes of January 8th as written. Ms. Krumholz seconded. The vote was unanimous. Voting were: Mr. David Collins, Ms. Susan Krumholz, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

There was no further business or discussion. Ms. Krumholz made a motion to adjourn. Mr. Jackson seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Ms. Susan Krumholz, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

(Whereupon the Zoning Board of Review meeting ended at 7:14 p.m.)

C E R T I F I C A T E

I, Salvina S. Ferreira, Registered Professional Reporter, hereby certify that the foregoing 3 pages of the Tiverton Zoning Board of Review minutes are transcribed to the best of my knowledge, skill and ability.

I further certify that I am not interested in the event of the action.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my seal of office this 17th day of March, 2014.

Salvina S. Ferreira, RPR

My commission expires: September 26, 2017
ID # 28792

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